

Exhibit “A”

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

-vs-

08-01789 (SMB)

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

-----X

In re:

BERNARD L. MADOFF,

Debtor.

-----X

*** CONFIDENTIAL ***
DEPOSITION OF BERNARD L. MADOFF

(Taken by the Customers)

Butner, North Carolina

June 15, 2016

Reported by: Lisa A. DeGroat, RPR
Notary Public

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P R O C E E D I N G S

Whereupon,

BERNARD L. MADOFF,

having been duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR CUSTOMERS

BY MS. CHAITMAN:

Q. Good morning, Mr. Madoff.

A. Good morning.

Q. I'm going to be asking questions initially.

This deposition has been ordered by Judge Bernstein to be limited to the issue of profit withdrawals that were generated by the trading strategy that you had in the 1980s and into the 1990s, where you were investing in subordinated convertible debentures.

A. Uh-huh.

Q. And the judge has ordered that your testimony be limited to that subject, and I would appreciate if you would do so.

A. Uh-huh.

Q. Thank you.

MS. BROWN: Helen, before you begin, can I put the other orders on the record?

MS. CHAITMAN: I'm sorry. I --

MS. BROWN: That's okay.

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1 MS. CHAITMAN: Yeah, I forgot.

2 MS. BROWN: That's okay.

3 Mr. Madoff, before we go any further, I
4 do want to tell you today about several
5 protective orders that govern the overall
6 bankruptcy case and the specific deposition.

7 The first is the litigation protective
8 order, which governs the entire bankruptcy.
9 And, Mr. Madoff, I have provided you a copy of
10 that order before we began here today.

11 Could you confirm that you have signed
12 the litigation protective order?

13 THE WITNESS: Yes, I did.

14 MS. BROWN: Thank you.

15 And, as Ms. Chaitman just mentioned,
16 there is a second protective order that governs
17 this specific deposition. The order has been
18 marked as Madoff Exhibit 1, and, as Ms. Chaitman
19 indicated, the bankruptcy court gave permission
20 for this deposition to go forward with certain
21 limitations. That order bears the docket number
22 13060.

23 The deposition must be limited to
24 profit withdrawal transactions and the issues
25 related to that -- to those transactions, and

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1 none of the counsel here today are permitted to
2 go outside the scope of the profit withdrawal
3 issue.

4 And, specifically, counsel is not
5 allowed to ask you any questions about
6 Mr. Jeffry Picower or any of his accounts.

7 I am also required to instruct you,
8 Mr. Madoff, that your testimony must be limited
9 to BLMIS's profit withdrawal transactions, and
10 you're not permitted to testify about any other
11 issues.

12 Do you understand those limitations?

13 THE WITNESS: Uh-huh, yes.

14 MS. BROWN: And before we go any
15 further, I'd also like to note for the record
16 that the order permitting this deposition to go
17 forward states that the entire transcript of
18 Mr. Madoff's deposition is confidential and
19 shall remain under seal for 60 days or the day
20 after a final non-appealable order is entered
21 concerning any alleged or actual violations of
22 the order limiting this deposition.

23 And the order further states that the
24 court may impose sanctions upon any person or
25 entity that violates the protective order that's

Exhibit “B”

SIPC v BLMIS

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Adv. Pro. No. 08-01789(SMB)

SIPA Liquidation
(Substantially consolidated)

SECURITIES INVESTOR PROTECTION
CORPORATION,

PLAINTIFF,

-VS-

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,
DEFENDANT.

IN RE:
BERNARD L. MADOFF,

DEBTOR.

CONFIDENTIAL

REALTIME DEPOSITION OF
ANNETTE BONGIORNO

Pages 1 through 270

Friday, July 8, 2016
8:34 a.m. to 3:15 p.m.

Federal Correctional Institution Coleman Medium
846 NE 54th Terrace
Sumterville, Florida 33521

Stenographically Reported By:
Elizabeth A. Speer, CRR, RMR, FPR,
Realtime Systems Administrator

BENDISH REPORTING
877.404.2193

SIPC v BLMIS

Bongiorno 7/8/2016

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<p>1 A. Yes.</p> <p>2 Q. Okay. Great.</p> <p>3 Miss Bongiorno, we were at a deposition on</p> <p>4 June 6th, the parties in this room, and now Miss</p> <p>5 Chaitman is joining us. And at that deposition your</p> <p>6 counsel confirmed that he signed what is called the</p> <p>7 litigation protective order. And I just want to</p> <p>8 reiterate that that order applies to the deposition</p> <p>9 here today, and your counsel has signed on your behalf.</p> <p>10 A. Okay.</p> <p>11 MR. RIOPELLE: You remember we looked at</p> <p>12 that again yesterday?</p> <p>13 THE WITNESS: Yes.</p> <p>14 (Marked for identification</p> <p>15 as Trustee Exhibit No. 67 and 68.)</p> <p>16 BY MS. BROWN:</p> <p>17 Q. Great.</p> <p>18 And there are two additional protective</p> <p>19 orders that govern this specific deposition with you.</p> <p>20 They've been marked as Trustee Exhibit 67 and 68. I'm</p> <p>21 going to place those before you. And I can just walk</p> <p>22 through what those are.</p> <p>23 Trustee Exhibit 67, which is the top one, is</p> <p>24 the order that the Bankruptcy Court issued that gives</p> <p>25 us permission to take your deposition.</p>	<p>1 MS. CHAITMAN: If I may just for the</p> <p>2 record state that in the colloquy off the</p> <p>3 record counsel for the Trustee acknowledged</p> <p>4 that the court order provides for sealing of</p> <p>5 the transcript. But if no one files an</p> <p>6 objection, or a motion, to the transcript,</p> <p>7 then 60 days after the deposition is taken,</p> <p>8 the seal is released.</p> <p>9 MS. BROWN: That's correct.</p> <p>10 MS. CHAITMAN: Okay.</p> <p>11 MS. BROWN: And that refers to paragraph</p> <p>12 9 of the order that bears the docket number</p> <p>13 13240.</p> <p>14 THE WITNESS: I'm sorry. I have a</p> <p>15 cough.</p> <p>16 BY MS. BROWN:</p> <p>17 Q. So, Miss Bongiorno, have you had your</p> <p>18 deposition taken before?</p> <p>19 A. No.</p> <p>20 Q. So maybe it will be helpful if we just go</p> <p>21 over some preliminaries just on how the day is going to</p> <p>22 work. I'm going to be asking you questions. The court</p> <p>23 reporter is going to be taking those questions down.</p> <p>24 It's important that you give me verbal answers. The</p> <p>25 court reporter can't transcribe a head shake.</p>
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<p>1 And in that order the Court has authorized</p> <p>2 your deposition solely on the profit withdrawal issue</p> <p>3 and any issues related to profit withdrawals. And I</p> <p>4 know we haven't discussed profit withdrawals yet today,</p> <p>5 but I have to give you that instruction at the outset.</p> <p>6 Your testimony is not allowed to go beyond any issues</p> <p>7 that relate to profit withdrawals. So it's a very</p> <p>8 narrow deposition today.</p> <p>9 Do you understand?</p> <p>10 A. Yes.</p> <p>11 Q. And none of the counsel here today, myself,</p> <p>12 Miss Chaitman or your attorney, are allowed to go</p> <p>13 outside of that limited scope of profit withdrawals.</p> <p>14 And do you understand those limitations,</p> <p>15 Miss Bongiorno?</p> <p>16 A. Yes.</p> <p>17 Q. There was a second order entered by Judge</p> <p>18 Bernstein, which has been marked as Trustee Exhibit 68.</p> <p>19 And that order provides your deposition to go forward</p> <p>20 on or around today's date. And that order also</p> <p>21 provides that the same limitations we just discussed</p> <p>22 applies to today's deposition.</p> <p>23 Do you understand that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Great.</p>	<p>1 A. Okay.</p> <p>2 Q. It's also very important that you let me</p> <p>3 finish my questions before you answer. And I'll let</p> <p>4 you finish your answers so that the transcript is clear</p> <p>5 as to our questions and answers.</p> <p>6 A. Okay.</p> <p>7 Q. You can take a break whenever you need to, as</p> <p>8 long as there's not a question pending.</p> <p>9 A. Okay.</p> <p>10 Q. Before we begin, are you taking any</p> <p>11 medications today that would affect your ability to</p> <p>12 testify truthfully?</p> <p>13 A. No.</p> <p>14 Q. And do you understand that in this deposition</p> <p>15 you're under oath the same that you would be at trial?</p> <p>16 A. Yes.</p> <p>17 Q. Will you answer truthfully today?</p> <p>18 A. Yes.</p> <p>19 Q. Will you answer accurately today?</p> <p>20 A. Yes.</p> <p>21 Q. Miss Bongiorno, you testified that you</p> <p>22 haven't been deposed before; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And have you given testimony in court?</p> <p>25 A. Yes.</p>

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